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WAR — ALIEN ENEMIES — EXPATRIATED CITIZENS OF BELLIGERENT COUNTRY AS PRISONERS OF WAR. — A German by birth who resided in England had received a formal discharge from German nationality under a law of 1870. (Grotfend's *Gesetzsammlung*, p. 354, § 13.) Though he continued to live in England, he never became an English citizen. In 1913 a German statute was passed (1913 Reichsgesetzblatt-Deutschland, Nr. 46, §§ 8, 13) allowing former Germans or their descendants, upon certain conditions, to resume citizenship without returning to Germany. In August, 1915, he was interned as a prisoner of war under an order issued by authority of the Home Secretary and applied for a writ of *habeas corpus*. *Held*, that the application be denied. *Rex v. Liebmann*, 1915, 38 Wkly. Notes, 320, 50 L. J. 443.

The same decision was reached in an earlier case where the German had been automatically expatriated on account of an uninterrupted absence from Germany for ten years. In this case the same law which annulled the citizenship gave the privilege of resumption. *Ex parte Weber*, 1915, 31 T. L. R. 602.

By virtue of the King's prerogative, prisoners of war are denied a writ of *habeas corpus*. *Rex v. Schiever*, 2 Burr. 765; *The Three Spanish Sailors*, 2 W. Bl. 1324. But the court was, very correctly, unwilling to admit that such prerogative extends further. See *Jones v. Seward*, 40 Barb. (N. Y.) 563, 566-570. Cf. DESPAGNET, *LE DROIT INTERNATIONAL PUBLIC*, § 668. It did declare, however, that alien enemies interned in England were prisoners of war. While the law is clear as to who may claim the privilege of being a prisoner of war, it has not before been decided whether, under any conditions, an alien enemy may claim a greater privilege. See 2 MALLOY, *TREATIES, SECOND HAGUE CONVENTIONS*, 2281, articles 1, 2, 3, 8, 29, 31. One authority, at least, appears to deny that a non-combatant alien enemy may be made a prisoner of war. See DESPAGNET, *LE DROIT INTERNATIONAL PUBLIC*, § 545. No matter what the exigency may be, certainly no one can be made a prisoner of war who is neither combatant nor alien enemy. See *Johnson v. Jones*, 44 Ill. 142, 152; *Ex parte Mulligan*, 4 Wall. (U. S.) 2, 131. See also 6 WEBSTER'S WORKS, 427, 432. Now an alien enemy is one who owes allegiance to an adverse belligerent nation. See *Dorsey v. Brigham*, 177 Ill. 250, 256, 52 N. E. 303, 304. See Co. LITT., 129 b; 1 KENT, 73. But by the laws of Germany both prisoners were freed from their allegiance. See LAWS OF 1870, *supra*. And England recognizes the right and possibility of expatriation even in her own citizens. 35 & 36 VICT., c. 39; 33 & 34 VICT., c. 14, § 4. The prisoners, therefore, in the cases reported, were not alien enemies. But the court argued that as former Germans have privileges in resuming citizenship, not granted to foreigners, they have "not become entirely divested of the rights belonging to a natural born German." Yet special privileges of naturalization are granted to former citizens by many European countries. See CALVO, *LE DROIT INTERNATIONAL*, France, §§ 587, 597, Italy, §§ 604, 606, Belgium, § 612. It is difficult to see how such a privilege can bring under allegiance to a country an expatriated person entirely out of its jurisdiction.

BOOK REVIEWS

BRACTON DE LEGIBUS ET CONSUESTUDINIBUS ANGLIAE. Volume I. Edited by George E. Woodbine, Assistant Professor of History in Yale College. New Haven: Yale University Press. 1915. pp. xiv, 422.

We have here, at last, in sumptuous dress, the first volume of Professor Woodbine's long expected edition of Bracton. The value of this remarkable treatise to scholars has never been fully appreciated, owing to the unfortunate manner in which the text has been edited. The original edition, first issued by